

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation into NOS COMMUNICATIONS, INC. (U-5251-C), dba International Plus, 011 Communications, Internet Business Association (INETBA), I-Vantage Network Solutions; AFFINITY NETWORK, INC. (U-5229-C), dba QuantumLink Communications and HorizonOne Communications; and the corporate officers of NOS and ANI, to determine whether they have violated the laws, rules, and regulations governing the manner in which California subscribers are solicited, switched from one presubscribed carrier to another, and billed for telephone services.

Investigation 02-05-001  
(Filed May 2, 2002)

**TO: ALL PARTIES OF RECORD IN THE ABOVE-CAPTIONED PROCEEDING****NOTICE OF AVAILABILITY**

The draft decision of Administrative Law Judge (ALJ) McKenzie has been made available at <http://www.cpuc.ca.gov/PUBLISHED/COMMENT/DECISION/46347.htm> on May 17, 2005. This decision approves a revised settlement agreement filed on January 19, 2005. Under the agreement, the respondents agree to pay \$25 in restitution to each of 1400 eligible customers and to pay the Commission \$2.9 million over a 24-month period. In addition, for two years following approval of the settlement, respondents agree to abide by the terms of a consent decree they entered into with the Federal Communications Commission in a related proceeding.

The decision concludes that the revised settlement agreement adequately addresses the reservations expressed in D.04-06-017 about the parties' prior settlement agreement, and satisfies the condition set forth in Ordering Paragraph 1 of D.04-12-021, a related proceeding. This proceeding remains open only to deal with the application for

rehearing of D.04-06-017, which respondents have represented they will withdraw upon the issuance of this decision.

Any recipient of this Notice of Availability who is not receiving service by electronic mail in this proceeding or who is unable to access the link to the Commission's web site given above may request a paper copy of the draft decision from the Commission's Central Files Office, at (415) 703-2045; fax number (415) 703-2263; e-mail [cen@cpuc.ca.gov](mailto:cen@cpuc.ca.gov).

The draft decision will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure," accessible at [http://www.cpuc.ca.gov/PUBLISHED/RULES\\_PRAC\\_PROC/44887.htm](http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/44887.htm). Pursuant to Rule 77.3 opening comments shall not exceed 15 pages.

Comments must be filed with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 2.3 and 2.3.1. Electronic copies of comments should be sent to ALJ McKenzie at [mck@cpuc.ca.gov](mailto:mck@cpuc.ca.gov). All parties must serve hard copies on ALJ McKenzie, and for that purpose I suggest hand delivery, overnight mail or other expeditious methods of service. The current service list for this proceeding is available on the Commission's web site, [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

Dated May 17, 2005, at San Francisco, California.

/s/ ANGELA K. MINKIN

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Angela K. Minkin, Chief  
Administrative Law Judge